**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 3712 OF 2005**
**IN**
**CRIMINAL APPLICATION NO. 5190 OF 2003**

Dattaram Shripat More & Ors ...Applicants

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr. M.S. Mohite, Advocate for Applicants

Mr. R.D. Suryawanshi, Advocate for Respondent Nos.2 to 4.

Mr. M.S. Mhambray, A.P.P. for State.

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**CORAM: SMT. V.K. TAHILRAMANI, J.**

**DATED: 11TH JULY, 2005**

**P. C.:-**

1. Heard Mr. Mohite, the learned advocate for the applicants, Mr. Suryawanshi the learned advocate for Respondent Nos. 2 to 4 and the learned A.P.P. for the State.

2. The applicants are facing prosecution in a case under Section 498-A of I.P.C. The said case i.e. R.C.C. No. 510 of 2003 is pending before the learned J.M.F.C. 3rd Court, Thane.

3. It is stated by the learned advocate for the

applicants that though the applicants had preferred Criminal Application No. 5190 of 2003 wherein the applicants had prayed for quashing the above case and in the said application Rule has been granted and interim stay in respect of the proceedings in the said case was granted, however, the applicants do not wish to pursue the said application and the applicants prefer to face the trial. It is stated that the applicant No.1 is above 60 years of age and looking to this fact and other facts and circumstances of this case, it is prayed that the trial be expedited and the trial be completed within a period of two months from today.

4. Mr. Suryawanshi, the learned advocate for the respondents states that the complainant is not in India at present and she would be coming back to India in the month of December, 2005, hence it would not be possible to commence the trial till the complainant comes back to India. He has submitted that in these circumstances it would not be possible to complete the trial within a period of two months from today. He further submitted that the trial can proceed in December 2005 when the complainant comes back in India and it can be disposed of within two months thereafter.

5. Looking to the above facts, I am inclined to

expedite the trial. The trial Court shall dispose of the trial by 28.02.2006. It is made clear that in case accused Vikas is not traced till then, his trial may be separated and the trial of the present applicants should go on.

6. The learned advocate for the applicants further states that he is not pressing the Criminal Application No.5190 of 2003 wherein the applicants have prayed for quashing of the proceedings relating to R.C.C. No.510 of 2003. He seeks permission to withdraw the said application. The respondents have no objection to the said application being withdrawn. Thus, Criminal Application No. 5190 of 2003 is allowed to be withdrawn. In the said case by order 9.3.2005 this Court had granted interim relief in terms of prayer clause (c) i.e. stay to the proceedings before the trial Court. In view of the order passed in the present application, the said Criminal application is allowed to be withdrawn and stay granted by order dated 9.3.2005 in Criminal Application No.5190 of 2003 stands vacated.

7. Application is disposed of.

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**CORAM: SMT. V.K. TAHILRAMANI, J.**

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**P. C.:-**

1. The learned advocate for the applicants seeks permission to withdraw this application. Permission granted. The application is allowed to be withdrawn and disposed of as such. Interim stay stands vacated.

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